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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,504	08/02/2001	Daniel R. Drake	RSW920010025US1	6105

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EXAMINER	
KENDALL, CHUCK O	

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,504	DRAKE ET AL.	
	Examiner	Art Unit	
	Chuck Kendall	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 07/26/04.

2. Claims 1 - 28 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 – 28 are rejected under 35 U.S.C. 103(a) as being anticipated by Shrader et al. USPN 5,867,713 (hereinafter " Shrader") in view of Parathesarathy et al. USPN 6,353,926 B1.

Regarding claims 1 & 8, Shrader discloses a method (24: 1 – 25: 10), system (25:10 – 26:5) and computer program product (26:5 – 33) of integrating the installation, on one or more target machines, of software prerequisites with a to-be-installed (TBI) (2: 47, see to be installed as well) software application, comprising the steps of:

determining if said TBI software application requires any software prerequisites (2: 30 – 35, for prerequisite objects and also refer to 2: 47 – 50, for prevalidated);

obtaining location information for all required software prerequisites (2: 35 – 37, see necessary files to install);

creating a super image comprising the TBI software application wrapped with said software prerequisites (for super image, see 2: 40 – 45, for install plan object); and

distributing said super image to all machines on which said software application is to be installed (2:45 – 48, see application program to be installed) .

Shrader doesn't explicitly disclose location information for all software prerequisites. Shrader does mention being able to add additional child objects to the installation plan if required (2: 45 – 50). Parathesarathy in an analogous art discloses a manifest file which can be embedded in jar file for distribution stating the manifest file contains dependencies between different software and the ability to locate and install required software components (6: 50 – 57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Shrader and Parathesarathy because, it would enable the install program to be able to locate and install all required files.

Regarding claims 2 & 9, a method as set forth in claim 1, wherein said step of creating a super image comprises at least the steps of:

defining an object model representing the integrated software installation (for object model see, install plan object in 2: 40 – 45, for install plan object); and

populating the object model with attributes and methods to describe the TBI software application and the location information for said required software prerequisites and enable the obtaining of any required software prerequisites identified (as noted in claim 9), (2: 47 – 50 , see adding child objects to installation plan if required).

Regarding claims 3 & 10, a method as set forth in claim 2, wherein said step of creating a super image further comprises at least the step of instantiating one or more objects according to the defined object model, and wherein the populating step populates the instantiated object(s) (see 7: 23 – 26, for reuse and instances (*instantiating*) of objects for multiple plan objects).

Regarding claims 4 & 11, a method as set forth in claim 3, wherein the instantiating step instantiates an object for the TBI software application and one or more component objects for each of said prerequisites (3: 13 – 17, see customization).

Regarding claims 5 & 12, a method as set forth in claim 4, further comprising the step of using the populated object model to install the TBI software application (2: 45 – 55).

Regarding claims 6 & 13, a method as set forth in claim 5, wherein the step of using the populated object model further comprises at least the steps of:

identifying one or more target machines on which the TBI software application is to be installed (8:9 –16 & 25 – 35);

downloading the super image to the identified target machines (6: 15 – 18, see other workstations in the network and receive software images); and

performing an installation at each of the identified target machines using the downloaded super image (FIG. 10, 1015, 1025).

Regarding claims 7 & 14, a method as set forth in claim 1, wherein said super image is a temporary file that is deleted from said target machines upon completion of the installation process (16:1 – 5, see removed as executed).

Regarding claim 15, the system version of claim 1, see rationale as previously discussed above.

Regarding claim 16, the system version of claim 2, see rationale as previously discussed above.

Regarding claim 17, the system version of claim 3, see rationale as previously discussed above.

Regarding claim 18, the system version of claim 4, see rationale as previously discussed above.

Regarding claim 19, the system version of claim 5, see rationale as previously discussed above.

Regarding claim 20, the system version of claim 6, see rationale as previously discussed above.

Regarding claim 21, the system version of claim 7, see rationale as previously discussed above.

Regarding claim 22, computer program product version of claim 1, see rationale as previously discussed above.

Regarding claim 23, computer program product version of claim 2, see rationale as previously discussed above.

Regarding claim 24, computer program product version of claim 3, see rationale as previously discussed above.

Regarding claim 25, computer program product version of claim 4, see rationale as previously discussed above.

Regarding claim 26, computer program product version of claim 5, see rationale as previously discussed above.

Regarding claim 27, computer program product version of claim 6, see rationale as previously discussed above.

Regarding claim 28, computer program product version of claim 7, see rationale as previously discussed above.

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

TUAN DAM
SUPERVISORY PATENT EXAMINER